

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIVIAN PENA and FRANCISCO FERNANDEZ,

Plaintiffs,

-against-

GENERAL MOTORS FINANCIAL COMPANY  
INC. and MARY BARRA,

Defendants.

20-cv-09294 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiffs Vivian Pena and Francisco Fernandez (together, “Plaintiffs”), proceeding *pro se*, commenced this action on November 5, 2020, against General Motors Financial Company Inc. and Mary Barra (together, “Defendants”) after a vehicle they purchased allegedly developed mechanical issue. (ECF No. 1.) By Order and Opinion, dated March 25, 2022, the Court granted Defendants’ motion to dismiss the operative complaint in its entirety without prejudice to filing an Amended Complaint on or before May 24, 2022. (ECF No. 28.) The Court further instructed that the failure to file an Amended Complaint within the time allowed, and without good cause to excuse such failure, will result in dismissal of Plaintiffs’ Complaint with prejudice. *Id.* To date, the Plaintiffs have failed to take any action, let alone file an Amended Complaint.

In light of the foregoing and in accordance with the Court’s Order and Opinion, dated March 25, 2022, Plaintiffs’ Complaint is deemed dismissed with prejudice. The Clerk of the Court is respectfully directed to terminate the action, to mail a copy of this Order to *pro se* Plaintiff Francisco Fernandez and to show service on the docket.

Dated: October 1, 2024  
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN, U.S.D.J.

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